

Fly on the Wall

Fly's learned junior, Singellus Maltus, has been scarce of late. So Fly has to make do with a worthy substitute, Bourbonus Bonus. Fly finds that, depending on which of the two assists, different recurring phenomena in the world of words inflict pain. The world of words is where Fly dwells of a working day. In this world, he encounters some delightful creatures. But there are also the bugbears. These haunt and taunt, with a level of intensity that depends on whether it is Singellus or Bourbonus that is in charge on the occasion in question.

Singellus, for example, has him wailing in despair every time he comes across the use of the term 'partake', almost invariably accompanied by the wrong preposition (in), to mean 'participate'. Bourbonus, for his part, appears to take this one fully in his smooth stride. But he, unlike his Scottish cousin, experiences particularly exquisite agony when confronted with the ever increasing ubiquity of the employment of the personal pronoun 'I' in the accusative case. 'Between you and I' seems to be as common these days as Parktown Prawns were in the days before the timely invasion of the Hadedas on the Highveld. There must have been some teacher somewhere who instilled such a terror in her wards of the incorrect use of "Me and John" as the subject of the sentence, that she managed to have these wards overcompensate for years to come, by banishing that excrescence even from its proper home. It seems that this teacher enjoyed tremendous influence. Once the debate with Bourbonus heats up, the barbs come thick and fast: there's 'then' used in comparisons, instead of 'than'; there's 'appraise' for 'apprise' (which mostly would in any event be better as 'tell'); there's either,



neither or none employed with the plural; there's the apostrophe to create plurals and the apostrophe in the possessive 'its'; there's a vast conspiracy against the gerund (which is increasingly looking its age, Bourbonus must immediately admit); and there's a pandemic of sticking the 'only' in the wrong place, to qualify the wrong thing ('I only saw him as he entered the room; I did not also bash his brains in').

Fly's daily bath in the verbal syrup poured over her adherents by cruel Minerva includes frequent association with a character known as 'ad seriatim'. Now many do not know what 'severally' means, or, if they do, find it funny, and they have a point; hence 'seriatim' is a useful, and even accepted, way of saying one-by-one. When preceded by the equally Roman but badly misplaced word 'ad', however, its capacity for causing grave offence wholly overshadows the scope of its utility. Fly is certain that there is some archetypal affidavit somewhere that went 'ad paragraph 1, ad paragraph 2, ad the allegations seriatim', or some such, that was responsible for a contraction that became, in the mouths or at the fingertips of far too many, 'ad seriatim'. No matter how much one stares at these things when they arrive, they will not go away. They sit there, giving pain.

Fly would love to be introduced to the 17th century writ of libel (if such it was) that first gave rise to the term 'of and concerning' and spend an afternoon chewing the fat with its author. Somewhere, hidden in the depths of what passes for the logic of pleading in some corner of the common-law world, lies the source of this horrendous tautology that alone is responsible for forests of trees and oceans of ink. Why, o why, must it stalk the days of Fly's working life, jabbing

him, nagging him, hurting him, along with gangs of 'hereinbefores', 'hereinunders', 'thereofs' and 'hereinafters'? It is difficult enough to deal with rubbish, approaching unbearable to stomach rubbish that appears poised to persuade, but rubbish adorned with rot is just too much for any Fly to face.

What more, my dear Bourbonus, what more? Fly used to call disingenuous arguments 'disingenuous' until it rapidly became clear that no self-respecting diatribe could afford neglect of this adjective. Now Fly tries to steer clear. But it is hard. There are only so many ways of politely calling something drivel. What hurts more – reading that the deponent to the affidavit does not really have personal knowledge of the allegations, or learning that his authority to bring the application is in doubt? Which deserves more sympathy from Bourbonus – 'I, John Smith, states under oath in English', or 'the terms of which are respectfully to be read as incorporated into this affidavit'? The last is like that chap Fly knew at school – nothing wrong with him that you could quite put your finger on, nothing particularly identifiable in what he said or how he said it that caused irritation, yet, as a matter of absolute certainty that was axiomatic in its soundness – everything about him begged for a clout.

The trick, it seems, is not to give a fly's pudendum. Why should it matter whether Fly's opponent says 'M'Lord' eleven times in his first sentence, instead of twice? Quite certainly, it does not matter. Equally certainly, however, it hurts. Deep conversations with Bourbonus might convince otherwise. But then again, one can only have so many of those. Or... one can have only so many of those. 

Feeling a little **disorganised?**



Binders for Advocate/Consultus

Subscribers who wish to keep their copies of the journal filed away neatly should consider purchasing our custom-made binders, strong enough to hold approximately 12 copies.

Order from: The Executive Officer, GCB, PO Box 2260, Johannesburg 2000, together with a cheque in the sum of R60 per binder (VAT and postage incl) payable to the General Council of the Bar of SA.

